

SERVICE DATE – AUGUST 11, 2017

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 43 (Sub-No. 154X)

ILLINOIS CENTRAL RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN ST. TAMMANY PARISH, LA.

Decided: August 10, 2017

By decision served on July 2, 1992, the Board's predecessor, the Interstate Commerce Commission (ICC), under 49 U.S.C. § 10502, exempted from the prior approval requirements of 49 U.S.C. § 10903, the abandonment by Illinois Central Railroad Company (IC) of a 29.14-mile rail line between milepost 38.25 near Colt and milepost 67.39 near Covington in St. Tammany Parish, La. (the Line).¹ The exemption became effective on August 3, 1992.

By decision and notice of interim trail use or abandonment (NITU) served on October 27, 1992, the proceeding was reopened and a 180-day period was authorized for STPG to negotiate with IC for acquisition of the 29.14-mile line for use as a trail under the National Trails System Act, 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29. On December 30, 1992, IC and the STPG executed a contract for sale and railbanking agreement in which IC conveyed all of its interest in the Line to St. Tammany Parish. STPG created a recreational trail on the corridor, now known as the Tammany Trace.

In a petition filed on July 13, 2017, STPG states that the State of Louisiana, Department of Transportation and Development (DOTD) has contacted STPG regarding construction of new bridge spans for U.S. Highway 190 crossing the Bogue Falaya River and over the Line. The new bridge spans would include various entrance and exit ramps not currently existing on Boston Street/Business Highway 190 and State Highway 21. According to STPG, the new bridge spans and road improvements are needed to alleviate severe traffic congestion along all roadways in the area, but the necessary approach and departure angles of the entrance and exit ramps will interfere with required railroad height clearances.

In the petition, STPG states that it supports DOTD's proposed construction of the new bridge and road improvements and requests that the Board modify and partially vacate that

¹ The agency's authorization was subject to employee protective conditions; a historic preservation condition under Section 106 of the National Historic Preservation Act, 54 U.S.C. § 30618 (a barrier to consummation); a condition requiring St. Tammany Parish Policy Jury (now known as the St. Tammany Parish Government) (STPG) to consult with the U.S. Fish and Wildlife Service concerning the removal of pine trees; and a 180-day public use condition. The public use condition has expired. The other conditions remain in effect.

portion of the NITU between milepost 65 near Claiborne Hill and milepost 67.39 in Covington, and issue a replacement NITU to apply only to the portion of the Line between milepost 38.25 and milepost 65. Once the NITU is vacated and IC consummates the abandonment, DOTD will be able to construct the entrance and exit ramps to the new bridge spans. STPG states that when the Line was active it was stub-ended at Covington. The east end of the Line intersects with the Norfolk Southern's New Orleans and Northeast District line near North Slidell, La. STPG states that the Tammany Trace trail will be rerouted in the proposed project area to accommodate continued, uninterrupted use. In a response filed on July 18, 2017, IC states that it has no objection to STPG's request.

STPG has complied with the requirements of 49 C.F.R. § 1152.29(d)(2) regarding a request to modify a NITU for a portion of the right-of-way. Therefore, this proceeding will be reopened and a replacement NITU will be issued for the portion of the line between milepost 38.25 and milepost 65. IC may fully abandon the remaining portion of the line between milepost 65 and milepost 67.39, subject to any outstanding conditions.

It is ordered:

1. This proceeding is reopened.
2. The NITU served in this proceeding on October 27, 1992, is vacated.
3. A replacement NITU applicable to STPG for that portion of the line between milepost 38.25 and milepost 65 is issued.
4. Interim trail use/rail banking is subject to the future restoration of rail service and to the sponsor's continuing to meet the financial obligation for the right of way.
5. If the trail sponsor intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.
6. STPG may fully abandon the remaining portion of the line between milepost 65 and 67.39, subject to any outstanding conditions, including the section 106 condition.
7. This decision and notice is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.